HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.337 of 2007

Dated:05.01.2007

Between:

Padma Raj Jain.

…Petitioners

and

A.P.Central Power Distribution Co.Ltd., and others.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.337 of 2007

ORDER:

The petitioner is availing power supply under Service Connection No.XI-2380, L.T.Category-I (Domestic) for his premises at House No.23-6-17/7, Mogalapura, Charminar, Hyderabad. The premises was inspected by the third respondent on 20.07.2005, when he allegedly found certain incriminating circumstances leading to an inference that the petitioner indulged in pilferage of energy. The third respondent, therefore, provisionally assessed the value of the pilfered energy at Rs.1,38,221/-, disconnected power supply, and informed the petitioner to pay a sum of Rs.69,110/- being 50% of initial assessment along with supervision charges and reconnection charges. The petitioner was also issued a show cause notice by the second respondent in the matter of final assessment of the value of the pilfered energy. The petitioner allegedly received the show cause notice dated 27.07.2005 and submitted a representation/explanation on 28.09.2005. Again after receiving another show cause notice, the petitioner sent a representation dated 05.10.2005. However, the second respondent, having regard to the record, assessed the value of the energy pilfered at Rs.91,559/-. Aggrieved by the said order, the present Writ Petition is filed.

Inter alia, it is contended by the learned Counsel for the petitioner that the impugned order is unsustainable as it has not taken into

consideration the explanation/representation submitted by the petitioner. He has also placed before this Court the acknowledgement from the Office of the second respondent in proof of receipt of the explanation.

After getting instructions, the learned Counsel, Sri Bhuvan Sunder Reddy, appearing for the Central Power Distribution Company Limited, submits that the representation submitted by the petitioner was not found in the file, and therefore, the second respondent proceeded as if objections are not filed. This submission cannot be accepted having regard to the proof produced before this Court.

Therefore, without expressing any opinion on the merits of the case, and on the limited ground that the petitioner's representation has not been taken into consideration by the second respondent, the impugned order is set aside, and the matter is remitted to the second respondent. He is directed to give opportunity to the petitioner of being heard, and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

The Writ Petition, with the above observations and directions, is accordingly disposed of. No costs.

_____

(V.V.S.RAO, J)

05.01.2007

Note: Issue C.C in one week.

B/o.

vs